

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA-EASTERN DIVISION

DEGENE BELL,	)	ED CV 12-2135-RGK (SH)
	)	
Plaintiff,	)	ORDER ACCEPTING REPORT AND
	)	RECOMMENDATION OF UNITED
v.	)	STATES MAGISTRATE JUDGE; and
	)	ORDER
M. D. ANAND, et al.,	)	
	)	
Defendants.	)	

Pursuant to 28 U.S.C. Section 636(b)(1)(C), the Court has reviewed the Complaint and other papers along with the attached Report and Recommendation of the United States Magistrate Judge, and has made a de novo determination of the Report and Recommendation.

IT IS HEREBY ORDERED that:

1. The Report and Recommendation is approved and accepted.
2. Plaintiff's claims against defendants Anand, Tolentino, Morgan, and Chakmakian are dismissed with leave to amend for failure to state a

1 claim pursuant to 28 U.S.C. § 1915(e)(2)(B).

2 3. Plaintiff's claims against defendants Anderson, Lee, Busby, and Cate  
3 are dismissed without leave to amend.

4 4. Plaintiff's official capacity claims against all defendants are dismissed  
5 without leave to amend.

6 If Plaintiff wishes to pursue this action in this Court, he must file a first  
7 amended complaint within thirty days of the date this Order Accepting the Report  
8 and Recommendation is filed. The amended complaint, bearing the number CV 12-  
9 2135-RGK (SH), must be a complete and independent document and must not refer  
10 to prior pleadings. Plaintiff is cautioned that failure to file a first amended  
11 complaint within the time specified by this Order may result in dismissal of the  
12 action with prejudice on the grounds stated in the Report and Recommendation of  
13 the United States Magistrate Judge and/or for failure to prosecute.

14 In preparing a first amended complaint, Plaintiff must bear in mind the  
15 deficiencies of the current pleading, and must assure that they are not repeated.  
16 Plaintiff must take particular note of the following guidelines:

17 1. Plaintiff must set forth the jurisdictional grounds for his claims at the  
18 outset of the complaint.

19 2. The complaint must include only factual allegations directly relevant  
20 to plaintiff's claims, which must be stated in separate, numbered  
21 paragraphs (preferably in chronological order), each limited to a single  
22 set of circumstances. The facts should be stated in simple, complete  
23 sentences. Repetition is to be avoided.

24 3. The complaint must clearly identify the specific acts on which each  
25 claim is based. Insofar as possible, the allegations should include the  
26 date, time, place and circumstances of the offending conduct by each  
27 defendant, a clear statement of what each defendant did or failed to do,  
28 and the damage of injury suffered by plaintiff as a result of each

1 defendant's conduct.

- 2 4. If civil rights violations are claimed, the complaint must specifically  
3 set forth the federal constitutional right or rights infringed with respect  
4 to each alleged wrongful act or omission.

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6 IT IS FURTHER ORDERED that the Clerk shall serve forthwith a copy of  
7 this Order on the Plaintiff and counsel for Defendants.

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9 DATED: February 21, 2013

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13 R. GARY KLAUSNER  
14 UNITED STATES DISTRICT JUDGE  
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